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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,054	10/10/2003	Mark A. Fodor	8295/DSM/BCVD/JW	5247
44182	7590	03/25/2005	EXAMINER	
MOSER, PATTERSON & SHERIDAN, LLP APPLIED MATERIALS INC 595 SHREWSBURY AVE SUITE 100 SHREWSBURY, NJ 07702			FUQUA, SHAWNTINA T	
			ART UNIT	PAPER NUMBER
			3742	

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/684,054		FODOR ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Shawntina T. Fuqua		3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 5,7,12,17 and 20 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22 and 23 is/are allowed.
- 6) ☒ Claim(s) 1-3,6,8-10,13-15,18 and 21 is/are rejected.
- 7) ☒ Claim(s) 4,11,16 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/10/03, 10/1/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/24/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 5, 7, 12, 17, and 20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 1/5/05.

2. Applicant's election with traverse of Species B, claims 1-4, 6, 8-11, 13-16, 19, and 21-23 in the reply filed on 1/5/05 is acknowledged. The traversal is on the ground(s) that the Examiner has not demonstrated a serious search burden. This is not found persuasive because the species are mutually exclusive and patentable distinct and are disclosed as separate embodiments.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 6, 8-10, 13-15, 18, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al (US6231674) in view of Yudovsky et al (US6589352).

Chen et al discloses a substrate heater for supporting a substrate comprising a body (61) having an upper and lower surface, a heating element (54) embedded within the body, a substrate support surface in the upper surface and defining a substrate receiving pocket (Figure 2), an annular wall (36) perpendicular to the upper surface and having a length at least one half a thickness of the substrate, the wall bounding an outer perimeter of the substrate receiving pocket and having a diameter less than .5 mm greater than substrate diameter (Figure 1), a ring (24) disposed in the substrate receiving pocket wherein the wall is a portion of an inner diameter of the ring (Figure 2), the ring including a bevel (36) flaring outward, the ring has an annular flange radially outward wherein the height is about .7-7 mm and a ratio of the height to width of the ring is between .05:1-.5:1 (Figure 2), the bevel tapers outward with an upward angle of 10-40 degrees, the height of the lip is .5-5 mm and the ratio of the height to the width of the lip is between 0.3:1 and 3:1 and inner portion is tapered outward and upward at an angle of 10-40 degrees (Figure 2). Chen et al does not disclose a ceramic ring and heater. Yudovsky et al discloses a ceramic ring (15; Figure 1; column 3, lines 46-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have made the ring of ceramic as disclosed by Yudovsky et al in the apparatus Chen et al because, ceramic has a low coefficient of thermal expansion.

***Allowable Subject Matter***

5. Claims 22-23 are allowed.

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6. Claims 4, 11, 16, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record neither discloses nor suggests the bevel is a continuous lip extending beyond the upper surface and circumscribing the wall.


***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawntina T. Fuqua whose telephone number is (571) 272-4779. The examiner can normally be reached on Monday-Friday 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on (571) 272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

stf  
March 19, 2005

  
Shawntina Fuqua  
Patent Examiner  
Art Unit 3742